

CRM-M-38599-2015
Date of Decision: 26.11.2015

Sumit KumarPetitioner

Vs.

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Jitender Dhanda, Advocate for
Mr. Rose Gupta, Advocate
for the petitioner.

Ms. Trishanjali Sharma, AAG, Haryana.

Mr. Sandeep Goyat, Advocate
for the complainant-responder.

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SABINA, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in FIR No.768 dated 11.11.2014, under Sections 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860, registered at Police Station Civil Lines, Hisar.

Heard.

Prosecution story in brief is that Kanta Devi had died issueless. She had executed a registered Will dated 24.10.2002 in favour of the complainant and his brother Ashok Kumar. Kanta Devi died on 10.04.2007. Complainant party was in possession of the plot in question. A case relating to acquisition of land was pending in this High Court and the same was decided on 26.02.2013. The plot in question was released from acquisition. When the complainant met the Patwari for sanction of mutation, he was informed that the mutation had already been sanctioned in favour of the petitioner on the basis of Will dated 12.01.2007 registered on 31.03.2014. Petitioner on the basis of a forged Will had got the mutation sanctioned in his favour.

Petitioner is in custody since 22.09.2015. With regard to the Will in question, civil litigation is pending between the parties.

Keeping in view the fact that the petitioner is in custody since 22.09.2015 and is not required for further investigation, without expressing any opinion on merits on the case, this petition is allowed. Petitioner be admitted to bail, subject to the satisfaction of the Chief Judicial Magistrate, Hisar.

**(SABINA)
JUDGE**

**November 26, 2015
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